

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DAVID EDWARD WEED and JAMES  
WILLIAM WEED,

Plaintiffs,

v.

THE CITY OF SEATTLE, TERRY DUNN,  
and DALE DAVENPORT,

Defendants.

NO. 2:10-cv-01274-RSM

DECLARATION OF EVAN D.  
BARIAULT RE: DUNN  
DISCIPLINE

I, Evan D. Bariault, declare under oath as follows:

1. I am over the age of 18 years, am one of the attorneys for the defendants in this matter, make this declaration based on personal knowledge, and am competent to testify to the facts contained herein.

2. I have reviewed the personnel file of Officer Terry Dunn and he has been the subject of two sustained findings. One was for falling asleep in his patrol car during a second consecutive shift. He received a written reprimand. The other was for failing to obtain a secondary work permit while conducting security at Polly Esther's night club. Again, he received a written reprimand.

DECLARATION OF EVAN D. BARIAULT RE: DUNN  
DISCIPLINE - 1

2:10-cv-01274-RSM  
3019-031298 819417x

**STAFFORD FREY COOPER**

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1           3.       Officer Dunn was involved in two shootings in which he was required to deploy  
2 his weapon in order to defend against dog attacks. In both instances a Firearms Review Board  
3 was convened and both times it was determined that Officer Dunn's actions were reasonable and  
4 justified under the circumstances.

5 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF  
6 WASHINGTON AND OF THE UNITED STATES THAT THE FOREGOING IS TRUE AND  
7 CORRECT.

8                   EXECUTED this 13<sup>th</sup> day of October, 2011

9                                   /s/ Evan Bariault

23  
DECLARATION OF EVAN D. BARIAULT RE: DUNN  
DISCIPLINE - 2

2:10-cv-01274-RSM  
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Certificate of Service

I certify that on the date noted below I electronically filed this document entitled **DECLARATION OF EVAN D. BARIAULT RE: DUNN DISCIPLINE WITH** the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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James Weed*

and I certify that I have caused to be served in the manner noted below a copy of the above-listed document to the following non CM/ECF participants:

- ☐ Via Facsimile
- ☐ Via First Class Mail
- ☐ Via Messenger

DATED this 13th day of October, 2011, at Seattle, Washington.

/s/ Evan Bariault via ECF

DECLARATION OF EVAN D. BARIAULT RE: DUNN  
DISCIPLINE - 3

2:10-cv-01274-RSM  
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